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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DOCKET NO. 04 11572 JLT

SUSAN COONEY,)
Plaintiff,)
vs.)
HUMANISTIC PSYCHOLOGY INSTITUTE,)
d/b/a SAYBROOK INSTITUTE and)
MAUREEN O'HARA, Individually,)
Defendants.)

EXHIBIT 3

to Plaintiff's
Opposition

AUDIOVISUAL DEPOSITION OF SUSAN COONEY, taken
on behalf of the Saybrook Institute, pursuant to the
Federal Rules of Civil Procedure, before Kristin L.
Tucker, Notary Public and Certified Shorthand Reporter
within and for the Commonwealth of Massachusetts, at the
Law Offices of Morrison Mahoney LLP, 250 Summer Street,
Boston, Massachusetts, on January 27, 2006, at 9:10
a.m., as follows:

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1 there were any changes in regulations and that when I
2 started that, I met the criteria and I trusted them to
3 let me know if anything changed.

4 MR. VARTAIN: Move to strike,
5 nonresponsive. Let's -- I'm gonna have the last
6 question read back.

7 (Question read.)

8 A. Well, I presume the catalog, the catalog that
9 I started with.

10 Q. Okay. Let's open up to the catalog. Is that
11 the only document that you have that states that
12 Saybrook would stay abreast of the changes about
13 licensure in the different states and keep you informed?

14 A. I feel like I saw it in a bulletin, but I
15 can't be specific right now.

16 Q. As you sit here today, is there any document
17 that you know of, other than the Saybrook Interim
18 Catalog, '94/'95, that caused you to believe that
19 Saybrook was promising to stay abreast of the changes on
20 licensing in the different states and to keep you
21 informed about it?

22 MR. MORENBERG: Objection.

23 A. At the orientation I was promised it. When I
24 brought my regulations to the orientation and they had

1 the specialist go over the regulations, they said we met
2 the criteria and we will keep abreast of it.

3 MR. VARTAIN: Move to strike,
4 nonresponsive. Let's get the question back. I'm only
5 talking about documents right now.

6 THE WITNESS: Okay.

7 MR. VARTAIN: You know that. You
8 can hear it.

9 (Question read.)

10 A. The ones that I've stated.

11 MR. VARTAIN: Motion to strike,
12 nonresponsive. Listen to the question, if you would,
13 please.

14 THE WITNESS: Okay.

15 (Question read.)

16 MR. MORENBERG: Objection.

17 A. I believe there was also a bulletin.

18 Q. You told me earlier that you don't have any
19 specific memory of even reading any bulletin.

20 MR. MORENBERG: Objection.

21 A. I did not say that.

22 Q. Do you have a specific --

23 A. I said I'm sure I've read them. I don't
24 remember any specific, you know, moment sitting reading

1 BY MR. VARTAIN:

2 Q. Point to me -- Tell me on what page there
3 exists language that promised you that Saybrook would
4 keep you informed about --

5 A. On Page 3? I'm sorry.

6 Q. -- about changing licensure.

7 A. On Page 3 on the right-hand side around
8 three-fourths down.

9 Q. On what other pages?

10 A. That would be the area that it was addressed,
11 I believe.

12 Q. Why don't you look at the catalog and tell me
13 on what other pages, besides Page 3, Saybrook assured
14 you that it would keep you informed of changing
15 regulations.

16 A. It's Page 3. I said that. Page 3.

17 Q. And in what column on Page 3?

18 A. The right-hand side column.

19 Q. And what place of the right-hand side column?

20 A. Three-fourths down.

21 Q. And read me the language in -- the entire
22 language --

23 A. Well, it's all along --

24 Q. Would you let me finish the question?

1 A. I have no problem letting you finish.

2 Q. Then please let me do so. Okay? Would you
3 agree to do that?

4 A. Absolutely.

5 Q. Please read me the language on the right-hand
6 side column of Page 3 that -- whereby you believed or
7 you believe that the catalog promised you that Saybrook
8 would keep you informed of changing licensure
9 regulations in different states.

10 A. Okay. Now? "Saybrook is committed to
11 assisting those students who plan to seek licensure in
12 the state of their choice. To this end, the institute
13 is a member of the national Consortium of Diversified
14 Psychology Programs, which is active in state-by-state
15 efforts to monitor and influence existing and
16 changing" -- sorry -- "regulations which permit
17 graduates from alternative programs to sit for
18 licensure."

19 It goes on to say that the National
20 Psychology Advisory Association is a related
21 organization comprised of dues-paying members who are
22 students or graduates of alternative programs. This
23 group is actively involved in the monitoring process,
24 basically, lobbying process. That is where.

1 just quoted to me, that the laws governing licensure of
2 psychologists do, in fact, change over time in different
3 states?

4 A. I don't actually remember that specifically,
5 but I remember that the understanding was Saybrook, as
6 stated, would monitor and was committed to helping us
7 and they would monitor and notify us of any changes.
8 And I trusted Saybrook.

9 Q. So you did -- You must have known then that
10 there was a possibility that there would be changes in
11 laws.

12 A. I was unaware of that specifically.

13 Q. You just told me that Saybrook promised you
14 to -- that they would monitor changes in laws.

15 A. Saybrook, if there were any problems for my
16 education that I was paying for with them, they would
17 let me know.

18 Q. Did they promise you that they would let you
19 know if there were any problems with your education, or
20 did they promise you that if there were changes in laws,
21 they would let you know?

22 A. If there were any problems, that we were a
23 team and we were gonna see this through together and if
24 there were problems, they would let me know.

1 Q. Okay. When Saybrook said that they would let
2 you know if there were problems, did they say as well
3 that they would let you know if there were changes in
4 licensing laws?

5 A. I do not remember that.

6 Q. So you have no recollection of Saybrook ever
7 saying to you that if there were changes in licensing
8 laws they would let you know; is that correct?

9 MR. MORENBERG: Objection.

10 A. They said in the paper here that --

11 Q. I don't --

12 A. -- they were monitoring. Well, in your
13 bulletin, they said that they were monitoring what was
14 going on with the CDPD and any policy changes. And I
15 felt comfortable leaving that to them and that they
16 would notify me of anything that concerned me, as I was
17 paying them tuition every year, they would alert me to.

18 Q. You were pointing to Exhibit 16; is that
19 correct?

20 A. I don't know.

21 Q. Well, would you look at it, please.

22 A. Fifteen.

23 Q. Fifteen. That's the interim catalog.

24 A. Oh, wait -- Yes, 15.

1 Q. Setting aside the Saybrook '94/'95 Interim
2 Catalog --

3 A. Yes.

4 Q. -- did Saybrook ever promise you that it
5 would keep you informed of changes in licensing laws
6 specifically? .

7 A. When I went out to the orientation and I was
8 supposed to bring my regulations, we met with that
9 person who went over each person's regulations and she
10 said that Massachusetts met the criteria and -- and she
11 said, You're good to go.

12 Q. Is that all she said?

13 A. To the best of my recollection.

14 Q. What else, if anything, did that person say
15 about future changes, if any, that might happen in
16 Massachusetts?

17 A. Nothing that I can recall.

18 Q. Didn't she promise you that -- Didn't she say
19 to you, We are going to track Massachusetts laws and
20 keep you informed?

21 A. Did I say that?

22 MR. MORENBERG: Answer the question.

23 A. No.

24 Q. She never said that?

1 A. No.

2 Q. She never said anything to that effect; is
3 that correct?

4 A. It was 11 years ago. I would say she
5 basically said, You meet the criteria. We'd love to
6 have you come here, and, you know, we understand you
7 want to be a psychologist in Massachusetts and you'll be
8 able to be.

9 Q. That's what she said?

10 A. Yes.

11 Q. Did she say to you that she would, or
12 Saybrook would, monitor the regulations over the years
13 that you would be at Saybrook and keep you informed?

14 A. It was an understanding.

15 Q. I didn't -- I know you -- Did she say that?

16 A. Did she specifically? I don't recall.

17 Q. She never said that as best you can recall,
18 correct?

19 A. I can't recall. It was a long time ago. I
20 can't recall specific conversation. The tone was
21 that --

22 Q. I'm not interested --

23 A. -- they would be on top of it.

24 Q. I'm not interested in the tone. I'm

1 interested in, is it your sworn testimony that the
2 person you met with in the fall of 1995 to go over
3 these -- the Massachusetts regulations never promised
4 you that Saybrook would stay up on changes, future
5 changes in Massachusetts regulations and inform you of
6 any? Do you want the question --

7 A. I just -- I can't recall specifically. I
8 can't say yes to that, and I can't say no to that.

9 Q. So you have no --

10 A. The way you've placed the question, I can't.

11 Q. You have no clear recollection that that
12 person told you that Saybrook would stay on top of
13 future changes in Mass. law and keep you informed,
14 correct?

15 A. My understanding -- And I'm supposed to say
16 yes or no? I can't say them to that.

17 MR. VARTAIN: I'm gonna have the
18 question read back, because I want no complications
19 here. Would you like that?

20 THE WITNESS: Fine.

21 (Question read.)

22 A. Not correct.

23 Q. So you do have a clear recollection?

24 A. Not a clear recollection, but I have a -- I

1 cannot give you her exact words, but I can tell you that
2 the conversation went as such, that she was saying that
3 I was -- met the criteria, that Massachusetts met the
4 criteria, and that they work hand-in-hand with you and
5 that we were a team, was the word she used, and that
6 they would -- that I was going to pay them money and
7 that I was going to be able to get my license in
8 Massachusetts.

9 And, therefore, with the things that I saw in
10 the catalog saying that they were committed to assisting
11 students and that they were part of the CDPD and would
12 be monitoring things, that I was quite safe to proceed
13 and that they would alert me if there were any changes.

14 Q. Where did it say in the catalog that they
15 would alert you to any changes? It never specifically
16 said that.

17 A. Well, they're specifically saying we're
18 committed to assisting students and we monitor what's
19 going on. I would think that -- I would have thought
20 that if they knew of a change, that they would have
21 passed it on as opposed to not passing it on.

22 Q. Does it say specifically anywhere in the
23 catalog that Saybrook would give you information about
24 changes in Mass. law?

1 A. I believe it says something in the bulletin
2 about they would let you know about changes.

3 Q. We've already talked about that you don't
4 have a specific recollection of the bulletin; is that
5 correct?

6 A. Of anything specific. You're saying, do you
7 have a direct memory of sitting down with the bulletin.
8 I don't. But I believe there was something mentioned in
9 there.

10 Q. And that's something you have no specific
11 recollection of, correct?

12 A. It's a general recollection.

13 Q. What's the difference between a general
14 recollection --

15 A. You taught me. You said earlier, that's not
16 specific. That's just general. One is more detailed.

17 Q. Do you have -- What's -- Do you have a date
18 or -- that you read this in the bulletin?

19 A. That would be specific, no.

20 Q. Do you have a year?

21 A. I don't. It's a decade ago.

22 Q. Coming back to the catalog, do you have --
23 Did you have that catalog with you when you went out to
24 Saybrook in 1995?

1 A. I'm pretty sure I did.

2 Q. You did. Okay. Let's come back to the
3 conversation with the person in 1995 when you were going
4 over the regs.

5 A. Um-huh.

6 Q. Did she say to you that Saybrook would inform
7 you of any changes in Mass. law?

8 A. She said that they would inform us of any
9 changes. Specific to Mass. law, she did not say. They
10 would inform us. They would keep on top of everything.

11 Q. Did she say that?

12 A. She said that they were going to work
13 hand-in-hand with us in a team and that as it stands,
14 come on board, I can get my psychology license in
15 Massachusetts.

16 Q. She guaranteed you that you could get your
17 psychology license?

18 MR. MORENBERG: Objection.

19 A. She said that.

20 Q. She said that?

21 A. Yes.

22 Q. Did you take any notes of that conversation?

23 A. No.

24 Q. You told me before that this is all 11 years

1 A. See, the way you've phrased it, can I --

2 MR. MORENBERG: Answer -- Make your
3 answer.

4 A. I discussed with Ruth Richards. I discussed
5 with many people that I was -- my intent was to be a
6 licensed psychologist in Massachusetts, so, you know,
7 the, Can I get licensed, was not stated. My intention
8 is and they knew and we were working together.

9 Q. Okay. So you're saying a lot -- that
10 Saybrook knew and different people at Saybrook knew of
11 your desire to become licensed in Massachusetts.

12 A. Correct.

13 Q. Did any person other than the person at the
14 Saybrook orientation, the 1995 Saybrook residential
15 orientation, give you information as to what Saybrook
16 could do for you to get a license?

17 A. It's -- You know, it's ten years. I know
18 that person spoke. Was there someone else? I don't
19 specifically recall. I don't know how to answer that.

20 Q. Well, that's a critical thing in the lawsuit.
21 You've told us --

22 A. Well, I know that the brochure says it. The
23 person said it. Were there more people? You know, I
24 can't specifically give you an instance right now.

1 A. I think Vartain discussed that. She was a
2 writing instructor at Saybrook.

3 Q. Okay. And in looking at Exhibit Number 26,
4 this is your sworn statement that you signed on the
5 fourth page, correct?

6 A. (Witness reviewing document.) Yes. Yes.

7 Q. And in -- Right under A on Page 1, are those
8 the only damages that you seek against Saybrook
9 Institute and Dr. O'Hara?

10 A. I'm sorry. Could I ask you to repeat it?

11 Q. Yes. In Paragraph A on Page 1, are those the
12 only damages that you're seeking against the defendants
13 in this case?

14 A. Okay. May I read it a moment?

15 Q. Absolutely.

16 A. (Witness reviewing document.) No. I think
17 in addition, the emotional component has been
18 incorporated.

19 Q. Okay. The emotional component. What
20 component is that?

21 A. The terrible loss that it's been to my life,
22 and the dreams that I had and what I wanted to do with
23 my life for the next 30 years that I can no longer do.
24 And it's caused me to have a bit of depression, a bit of

1 kind of an existential lost, kind of, what to do with
2 the rest of my life feeling.

3 Q. Have you found that there are many different
4 situations in your life that have given you emotional
5 trouble?

6 A. Everybody has things. I'm pretty resilient
7 though.

8 Q. And do you find that you're -- you've had
9 situations that have given you severe anxiety?

10 A. Yes.

11 Q. And have you had those situations other than
12 this lawsuit?

13 A. I have not liked to fly for a really long
14 time. I mean, I don't know exactly where you're going.

15 Q. Other than that, is there anything that -- I
16 mean, do you have often problems with severe anxiety?

17 A. Often problems with severe anxiety? Not
18 really.

19 MS. GARCIA: Can I have this marked
20 as the next exhibit.

21 (Exhibit No. 27 marked for
22 identification.)

23 BY MS. GARCIA:

24 Q. In looking at Exhibit Number 27, do you

1 recognize this document?

2 A. (Witness reviewing document.) Not really,
3 but I presume it's from me.

4 Q. And looking at the third line -- Well,
5 actually, starting with the fourth line from the bottom
6 of Paragraph 1, do you see where it says "It is because
7 of these inconsistencies that I have lost a great deal
8 of time and suffered severe emotional anxiety"?

9 A. Oh, when I was having to keep rewriting my
10 dissertation? Yeah. Uh-huh. I actually don't see
11 where you're pointing to. You said the last paragraph?

12 Q. The first paragraph on Page 1 starting at the
13 fourth line from the bottom of that paragraph.

14 A. Okay. It was very frustrating. It was -- It
15 was so annoying. I kept trying to finish, and I just --
16 And Marc would send -- he would say write this in, and
17 I'd write it in and then I'd send it back. And he'd
18 say, Where did you get this sentence? Which was his
19 sentence.

20 Q. And -- So, I mean, you had emotional anxiety
21 then that you described as severe, correct?

22 A. It was very annoying.

23 Q. But you described it as severe, correct?

24 A. That's what I said. It was severely

1 annoying.

2 Q. And going through marriages and divorces, did
3 that cause you emotional anxiety?

4 A. Briefly. I'm very good friends with them.
5 They weren't heated. They were very peaceful, mellow,
6 nonconfrontational.

7 Q. And would you agree with me that fertility
8 treatments are an anxiety thing, correct?

9 A. That was a pain in the neck, yeah.

10 Q. Are there other reasons in which you've
11 experienced anxiety?

12 A. No. I can only -- I can only say that when I
13 was graduating, I was such -- so happy. I mean, I was
14 just very excited about the future and very looking
15 forward to it and very hopeful and anxious to get going.

16 Q. And now do you have any family issues that
17 are causing anxiety?

18 A. No, I'm doing fine.

19 Q. You testified that your father was in an
20 awful accident.

21 A. Yeah. He's doing fine.

22 Q. Does that cause problems?

23 A. Not now. He's -- He ambulates. He is
24 independent. You know, he's -- obviously stays in the

1 house, but he's clear-headed and happy, and it could
2 have been so awful, but it's fine. It's a long time ago
3 now. It's six years.

4 Q. But it caused you to change what you were
5 doing for work at the time, correct?

6 A. Yes.

7 Q. And do something else, correct?

8 A. Yes. Absolutely.

9 THE VIDEOGRAPHER: Counsel, we need
10 to change the videotape.

11 MS. GARCIA: Okay. I'll mark this
12 really quick, and that way you can look at it off the
13 record.

14 THE VIDEOGRAPHER: 5:27 and this
15 concludes Tape Number 6 of Susan Cooney's deposition.

16 (Brief break.)

17 (Exhibit No. 28 marked for
18 identification.)

19 THE VIDEOGRAPHER: It's now 5:31
20 p.m. on January 27, 2006. This is Tape Number 7 of
21 Susan Cooney's deposition.

22 BY MS. GARCIA:

23 Q. Going back to your emotional distress, do you
24 have a primary care physician that you see?

1 A. I've seen her once. It's Dr. Catherine
2 Taylor at West Roxbury Medical.

3 Q. And you've only seen her once?

4 A. Yeah.

5 Q. And do you have any therapists that you see?

6 A. I did see a therapist last spring. I believe
7 you got --

8 Q. And who was it?

9 A. I believe you got the paper.

10 Q. Who was it?

11 A. Dr. David Reisen.

12 Q. And how many times did you see Dr. David
13 Reisen?

14 A. Probably six. Maybe seven or eight.

15 Q. So up to possibly seven or eight times?

16 A. Yeah. Somewhere in there.

17 Q. And other than Dr. Reisen, have you seen any
18 other doctors for therapy?

19 A. No.

20 Q. And that was -- So that was the only one?

21 A. Yes.

22 Q. Are there any other doctors at all that
23 you've treated with as a result of your claim?

24 MR. MORENBERG: Objection.

1 A. That I've treated with? What does that mean?
2 That I've seen?

3 Q. That you've seen as a result of your claim.

4 A. No.

5 Q. And in looking at Exhibit Number 28 --

6 MS. GARCIA: Did I give you a copy?

7 MR. VARTAIN: No.

8 MS. GARCIA: Give it back to -- I
9 don't know what happened to it, but it appears that we
10 don't have a copy for you, so...

11 MR. VARTAIN: That's fine. And --

12 MR. MORENBERG: Would you mind if I
13 just looked at it? Okay. Okay.

14 BY MS. GARCIA:

15 Q. In looking at Exhibit Number 28, these are
16 tax records that were produced. In terms of your U.S.
17 income tax 2004, can you tell me did you sign this tax
18 document?

19 A. (Witness reviewing document.) I would
20 imagine I did.

21 Q. But there's no signature that appears here,
22 correct?

23 A. This is probably a copy. It says copy.

24 Q. So you don't have a copy of yours with a